



Attorney Docket # 4100-323RCE

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re RCE Application of

Andreas BIRKENFELD et al.

Serial No.: 10/668,773

Filed: September 22, 2003

For: Method of Cross-Cutting a Web

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

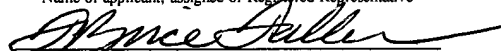
Examiner: Blake, C. T.  
Group Art: 3724

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February 17, 2006  
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F. Brice Faller

Name of applicant, assignee or Registered Representative

  
Signature

February 17, 2006  
Date of Signature

**PRELIMINARY STATEMENT WITH RCE**

S I R:

Prior to further examination, entry of the amendment under 37 CFR §1.116 and careful consideration of the arguments therein are requested.

Additionally, applicants wish to clarify a misapprehension of the Examiner with respect to their position. More particularly, the examiner states that Applicant has argued that the Hayamizu method does not anticipate the claims because it operates at low speeds rather than high speeds. According to the Examiner, since the speed of the device has not been claimed, Hayamizu anticipates the claims (see Office Action of October 19, 2005, at page 4). In the advisory action makes a similar statement, but refers to the Hayamizu-Sigel *combination* as *anticipating* the claims.

Applicants have never argued that their invention as claimed distinguishes from Hayamizu based on the operating speed. What applicants have argued, is that Hayamizu has nothing to do with printing machines. Hayamizu teaches a drawing machine which is extremely slow as compared to a printing machine. There is nothing whatsoever to suggest that the web 5 of